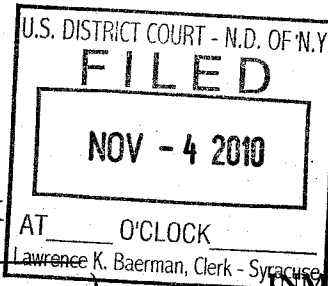


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK



MARK Cannon Plaintiff(s)

vs.

C.O. E. Wood, C.O. Saint Mary, C.O. Price
C.O. Winston, Sgt M. Eddle, C.O. Relf
Hearing Officers Bellis Defendant(s)
Nurse Holmes

INMATE

**CIVIL RIGHTS
COMPLAINT PURSUANT
PURSUANT TO
42 U.S.C. § 1983**

Case No. 9:10 CV 1332

Plaintiff(s) demand(s) a trial by: ☒ JURY ☐ COURT (Select only one).

Plaintiff(s) in the above-captioned action, allege(s) as follows:

JURISDICTION

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

PARTIES

2. Plaintiff: MARK Cannon #08-A-8822
Address: P.O. Box 2001
Malone, N.Y. 12953

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: C.O. E. Wood
Official Position: Correctional officer
Address: P.O. Box 2001
Malone, N.Y. 12953

b. Defendant: Co Saint Mary
Official Position: Correctional officer
Address: P.O. Box 2001
Malone, N.Y. 12953

c. Defendant: Co Relf
Official Position: Correctional officer
Address: P.O. Box 2001
Malone, N.Y. 12953
(see Attached)

Additional Defendants may be added on a separate sheet of paper.

4. PLACE OF PRESENT CONFINEMENT

a. Is there a prisoner grievance procedure at this facility?

☒ Yes

☐ No

b. If your answer to 4a is YES, did you present the facts relating to your complaint in this grievance program?

☒ Yes

☐ No

If your answer to 4b is YES,

(i) What steps did you take? Appeal

(ii) What was the final result of your grievance? Appeal denied

3) D Defendant Co. Winston

official position Correctional officer

Address P.O. Box 2001

Malone, N.Y. 12953

3) E Defendant Co. D'Arcy

official position Correctional officer

Address P.O. Box 2001

Malone, N.Y. 12953

3) F Defendant Sgt. M. Edix

official position Sergeant

Address P.O. Box 2001

Malone, N.Y. 12953

3) G Defendant Nurse

official position Nurse

Address P.O. Box

Malone, N.Y. 12953

3) H Defendant ~~Bob~~ Bullis

official position Hearing Officer Bullis

Address P.O. Box 2001

Malone, N.Y. 12953

If your answer to 4b is NO - why did you choose to not present the facts relating to your complaint in the prison's grievance program? _____

- c. If there is no grievance procedure in your institution, did you complain to prison authorities about the facts alleged in your complaint?

_____ Yes _____ No

If your answer to 4c is YES,

- (i) What steps did you take? _____

- (ii) What was the final result regarding your complaint? _____

If your answer to 4c is NO - why did you choose to not complain about the facts relating to your complaint in such prison? _____

5. PREVIOUS LAWSUITS

- a. Have you ever filed any other lawsuits in any state and federal court relating to your imprisonment?

Yes No

- b. If your answer to 5a is YES you must describe any and all lawsuits, currently pending or closed, in the space provided below.

For EACH lawsuit, provide the following information:

- i. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

- ii. Court (if federal court, name District; if state court, name County): _____
- iii. Docket number: _____
- iv. Name of Judge to whom case was assigned: _____
- v. Disposition (dismissed? on appeal? currently pending?): _____
- vi. Approximate date of filing prior lawsuit: _____
- vii. Approximate date of disposition: _____

6.

FACTS

Set forth the facts of your case which substantiate your claim of violation of your civil and/or Constitutional rights. List the events in the order they happened, naming defendants involved, dates and places.

Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary).

6a Plaintiff, Mark Cannon, brings action under the Eighth, Tenth and Fourteenth Amendments of the U. S. Constitution; 42 U.S.C. §1983, claiming that defendant's violated and failed to comply with Federal Regulations. Equal unusual punishment, illegal search, serious medical needs, and hearing violation.

(See Attached)

B. By operation of State and federal laws, plaintiff's movement is Controlled by New York Department of Correctional Services. From _____ 2008, until the present, plaintiff is an inmate in the Custody of the New York State Department of Correctional Services. All defendants are sued in their individual official Capacity.

First Cause of Action

Retaliatory Assault;
Cruel and Unusual punishment;
Violation of Serious medical
need, Illegal Search

C. In the month of January 2010, plaintiff wrote an inmate grievance Complaint because he was denied access to the Barber Shop. As a result of the inmate grievance Complaint, plaintiff was given a makeup haircut. Thereafter, defendants Sant Mary and Winston came to plaintiff's cell and stated that because of the grievance Complaint he would not get another haircut as long as he remains in upstate Correctional facility. During the month of March, April, and May of 2010 each time the Barber Shop Schedule would come around defendant Sant Mary and Winston would skip plaintiff's cell and deny him access to the Barber Shop and stated that plaintiff should not have wrote the grievance Complaint, and that the plan

does not deserve level 3 status. plaintiff then wrote another grievance complaint concerning harassment being conducted against plaintiff by defendant Saintmary and winston. on may 12th 2020 defendant J. price came to plaintiff's cell to pick up the feed up trays. as plaintiff was placing the milk ^{cartons} containers and juice containers in his tray. defendant Saintmary told defendant J. price to close plaintiff's feed up slot and stated that plaintiff refused to give back his feed up trays.

D. thereafter defendant Sgt M. Edly came and stood in front of plaintiff's cell and plaintiff gave ~~by~~ defendant Sgt M. Edly his feed up trays and defendant Sgt M. Edly walked away.

F. Approximately ten minutes later defendant E. wood, self, ~~and~~ and J. price came to plaintiff's cell and told him to pack up because he lost his level 3 status. plaintiff packed his property and was placed in a holding pen in 10 Building.

thereafter defendant E. wood, self, and Sgt M. Edly escorted plaintiff to the draft room and placed in the pass metal detector chair, "which did not ring". After clearing the pass ~~chair~~ metal detector chair plaintiff was escorted to the strip room and order to strip naked.

G. thereafter plaintiff's hands were cuffed behind his back

and brought out the Strip Room and placed against a wall.

H. while facing the wall and handcuff. Defendant used grabbed plaintiffs hair and slammed his face against the wall causing plaintiff to ~~seem~~ lose con and become weak in the knees defendant self grabbed plaintiffs handcuffs and twisted his arm in a upward ^{position} ~~position~~ causing extreme pain in both shoulders, elbows, and wrists. Defendant used placed his thumb behind plaintiff's jawbone between plaintiff's ear and upper neck and ~~was~~ pushed in applying pressure to the jawbone in an attempt to dislocate plaintiff's jawbone causing extreme pain and dizziness, while Defendant Sgt M. Eddy watched and supervised.

I. plaintiff was then taken to 11 Building and placed on a drug watch holding pin. Thereafter Defendant Holmes came to the cell and ~~defendant~~ while plaintiff made an attempt to explain the extent of his injuries, Defendant Holmes walked away without examining plaintiff and told Defendant Sgt M. Eddy that plaintiff refuses.

J. Thereafter plaintiff was illegally placed on the loaf and drug watch for 7 days. After plaintiff completed the drug watch (which came back negative) plaintiff was then

taken back to his cell in 10 building. plaintiff was issued a misbehavior report and charged with ~~Violation~~ Violent Conduct, refusing a direct order, threats, and mess hall Violation - plaintiff was found guilty of all charges and ~~sent~~ was not given his property for weeks.

Klea

Second Cause of actions

Hearing Violation; Cruel and Unusual punishment

K. on May 18th 2010 Defendant Bulis Conducted plaintiff's disciplinary hearing. plaintiff called his Cellmate "A. Hines" for his witness. inmate A. Hines received a misbehavior report based on the same facts as plaintiff's incident, that was dismissed. plaintiff requested that the video tape of the alleged incident be produced at his hearing.

L. plaintiff was allowed to view the video tape, and pointed out to defendant Bulis that he was handcuffed behind his back and facing the wall and did not ~~for~~ ^{move} as defendant would restrain him while defendant self twisted plaintiff's arms and while defendant Sgt M Eddy looked on.

M. After all Plaintiff's presented evidence including the video tape, Defendant Ellis found Plaintiff guilty of all Charges. After the hearing was over Defendant Ellis stated that Plaintiff should not have wrote Complaints.

7. As a result of the above Assault Plaintiff experience extreme pain in his jaw for approximately three days while trying to eat.

8. Plaintiff experience extreme pain in his neck and back, Plaintiff did not receive a full nights sleep for approximately seven days as a result of the assault by the defendants, Edward, and Relf.

9. Plaintiff still experience extreme ~~for~~ back pain ~~in~~ and neck pain as a result of the assault by defendants Edward and Relf.

7.

CAUSES OF ACTION

Note: You must clearly state each cause of action you assert in this lawsuit.

FIRST CAUSE OF ACTION

Retaliation Assault
Cruel and unusual punishment
Violation of serious medical need
Illegal Search

SECOND CAUSE OF ACTION

Hearing Violation
Cruel and unusual punishment

THIRD CAUSE OF ACTION

8. PRAYER FOR RELIEF

WHEREFORE, plaintiff(s) request(s) that this Court grant the following relief:

3,000,000 intentional damages, 3,000,000
punitive damages and 3,000,000 compensatory
damages

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Oct, 18th 2010

Mark Cannon

Signature of Plaintiff(s)
(all Plaintiffs must sign)

02/2010